

State of Delaware
Office of the Secretary of State

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I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "AEQUUS TECHNOLOGIES CORP.", FILED IN THIS OFFICE ON THE EIGHTH DAY OF AUGUST, A.D. 2001, AT 9 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



3423177 8100

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Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1286949

DATE: 08-09-01

ENROLLMENT INFORMATION	CONFIRMED DATA
Employer Identification Number	27-0022162
Business Name	AEQUUS TECHNOLOGIES CORP
U.S. Phone Number	(973) 713-4124
Primary Contact Name	RICHARD SCHATZBERG
Primary Contact U.S. or International Street Address	107 WINDSOR DRIVE
Primary Contact US City	PINE BROOK
Primary Contact State	NJ
Primary Contact U.S. Zip Code	07058
Primary Contact U.S. Phone Number	(973) 713-4124
Primary Contact E-mail Address	RSCHATZBERG@AEQUUSTECHNOLOGIES.C
Payment Method	EFTPS - Direct
Routing Number	221270237
Financial Institution Name	KEARNY FEDERAL SAVINGS BANK
Account Number	0199001328
Account Type	Checking

ELECTRONIC SIGNATURE

Name	RICHARD SCHATZBERG
Title	CHIEF EXECUTIVE OFFICER
Date	11-08-2004
TIN	27-0022162



B

Exhibit B

Aequus/Snap Telecommunications, Inc.'s Executive Team

Aequus Technologies Corp. / Snap Telecommunications, Inc.'s Executive Team

- **Richard L. Schatzberg**, *Chief Executive Officer and Founder, Aequus Technologies*
Former Senior Vice President of Sales and Marketing of NeST Technologies, a global systems engineering firm; former President of IDANG, Inc.; former Chairperson of Business Advisory Council for two federally funded grant programs helping persons with disabilities gain viable employment skills and successfully transition to the workplace.
- **John D. Kemp**, *Senior Government Advisor*
President and CEO of HalfthePlanet Foundation; former National Executive Director of United Cerebral Palsy Association; co-founder and current Chairman, American Association of People with Disabilities; recipient of numerous disability-related awards.
- **David Dinin**, *Advisor to the Board of Directors*
Managing Partner of Enable Advisors Corp.; former President and CEO of Linotype-Hell Corp., the world's largest manufacturer of pre-press hardware and software products for the publishing industry; former Corporate Vice President & General Manager of Automatic Data Processing; former Division President of Arrow Electronics Inc.
- **Lemuel A. Tarshis, PhD**, *Senior Consultant*
Former Vice President and General Manager at General Instrument and Times Fiber Communications; former Executive Vice President and Chief Operating Officer at Timex Corporation; General Manager for General Electric; co-researcher and co-creator of internationally acclaimed Innovation Model for achieving high rates of product innovation and commercialization.
- **Daryl Crouse, CI, CT**, *President and Founder, Snap Telecommunications, Inc. and Communications Access Network of America, Inc.*
Sign Language Interpreter with over 15 years experience; former Chair and current Member, Video Interpreting Committee (VIC) for the Registry of the Interpreters for the Deaf, Inc. (RID); former Administrator, Freedom Fund, Inc.



C

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Exhibit C

Motorola Ojo™ Product Data Sheet



Ojo Personal Video Phone

The vision is real.

With true-to-life picture and sound the Motorola OJO™ is set to change the face of communication forever.

The implementation of advanced telephony, compression, and multi-media technologies enables OJO to deliver the highest quality images and eliminate the break-up and distortion normally associated with video phones.

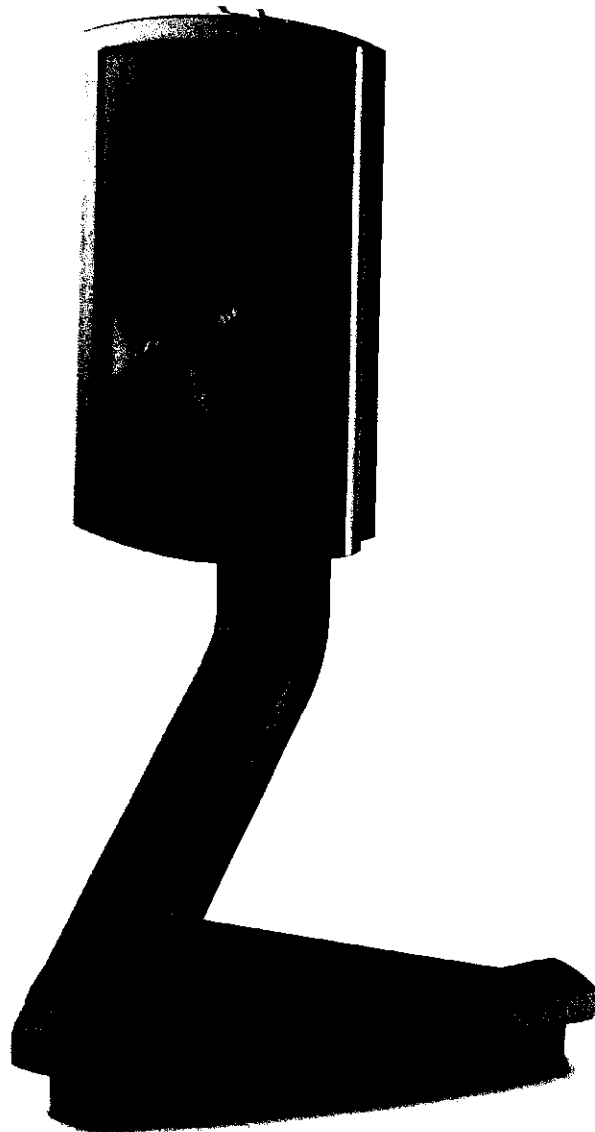
BROADBAND FRIENDLY:

Designed for broadband, this system leverages the existing cable and DSL infrastructure while opening the door for new revenue opportunities. As a SIP-compliant endpoint, Ojo gives broadband operators flexibility in the provisioning and administration of a fee-based video telephony service. Ojo requires no additional headend equipment for DOCSIS® cable modems.

BREAKTHROUGH PERSONAL DESIGN:

Stylish and functional. Users can make IP video calls and PSTN or VoIP voice-only calls over a current telephone number. Features include:

- Superior image and bandwidth efficiency
- High-resolution 16:9 LCD display
- State-of-the-art miniature camera
- True-to-life video and audio quality
- Video and voice-only messaging
- Picture-based caller ID and phonebook
- Use of existing telephone number
- Advanced speakerphone with AGC and echo cancellation
- Full-featured cordless phone handset
- An easy-to-use graphical interface
- Easily accessible video/audio privacy controls
- Latest video and audio codecs
- On-screen residential and business directories



WOW MEMOTO

Continued on back



Ojo™ Personal Video Phone



TECHNICAL SPECIFICATIONS

DISPLAY UNIT

GENERAL

DC Input	12 V
DC Current	3 A (Typical)
Power Consumption	30 W
AC Power Adapter	100 - 240 VAC, 60 Hz
Operating Temperature	10° to 40° C
Storage Temperature	0° to 70° C
Dimensions	14" x 8.5" x 7.5"
Weight	2.5 lb

NETWORK

Connector	RJ-45
Protocol	TCP/IP
Ethernet Network Interface	10/100 Base-T
Communications Standards	SIP
	TCP/IP, UDP
	RTP
Security	SRTP, 128-bit AES
Call Bandwidth Requirements	110-150 Kbps

PSTN

Connector	RJ-11
Pass-Through	Yes
Dialing Mode	Tone (DTMF)/Pulse

AUDIO

Compression (Video Calls)	iLBC
Compression (Audio Calls)	G.711

CORDLESS HANDSET

GENERAL

Dimensions	6.25" x 1.5" x 0.5"
Weight	5 oz
Wireless Interface Standard: Digital or Analog	2.4 GHz
Range	100 ft
Display	Illuminated Graphic LCM

DISPLAY

LCD Monitor	Minimum 7" Diagonal
Type	LCD
Backlighting	Yes
Anti-Glare Coating	Yes
Viewing Angle	+/-30°(h) +/-60°(v)

CAMERA

Image Sensor	1/4" Color
Backlight Compensation	Yes
Automatic Gain Control	Yes
White Balance	Auto
Minimum Illumination	2 lux

SPEAKERPHONE

Audio Processing	Full Duplex
Echo Cancellation	Adaptive Sub-Band
Audio Privacy	Yes

VIDEO

Resolution	176 x 144 (QCIF)
Frame Rate	30 fps
Compression (Primary)	H.264
Compression (Supported)	H.263

BATTERY

Charge Time	1 hr
Talk Time	6 hr
Standby Time	96 hr

To view our full line of Broadband Products,
visit our Web site at www.motorola.com/broadband/consumers



D

Exhibit D

Statement of Compliance with Mandatory Minimum Standards for Provision of VRS as set forth in 47 C.F.R. §§ 64.604 and 64.605¹

I. Operational Standards {64.604(a)}

A. Communications Assistant ("CA") {64.604(a)(1)}

1. ASL Competence {64.604(a)(1)(i),(ii),(iv)}

(i) TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.

(ii) CAs must have . . . familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.

(iv) TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A "qualified interpreter" is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Snap believes that the CA, as the primary contact between Snap's VRS service and its users, is one of the most important components of VRS. Because of the critical nature of this role, Snap has established and adheres to rigorous standards in the hiring, training, and retention of CAs.

Snap's CAs will be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities, and to quickly and efficiently interpret VRS messages between users. CAs will meet the following proficiency requirements, among others:

- Competent skills in English grammar; equivalent to beginning college level grammar.
- Competent skills in sign language, including certification by a relevant and accredited certification body.

¹ Snap sets out below all of the rules (or portions thereof) from §§ 64.604 and 64.605 that apply to VRS providers. Those rules that apply, for example, solely to traditional TRS providers, to STS calls, to states, or to the FCC staff, are not included, as they are not mandatory minimum standards applicable to VRS providers like Snap.

- An ability to understand various dialects or regional differences in sign language.
- An ability to understand hearing-impaired and speech-impaired people who use limited English.
- Familiarity with hearing and speech disability culture, language, and etiquette.
- Neutral accent capability, *i.e.*, standard English pronunciation.

Snap will staff call centers with, and otherwise employ or contract with, certified sign language interpreters. Snap will provide ongoing training of CAs in topics including, but not limited to, sign language syntax, vocabulary, and grammar, hearing and speech disability culture, language and etiquette, needs of individuals who are speech/hearing impaired, and operation of VRS equipment. Training will include both simulated and live on-line call handling. Snap will ensure that any of its subcontractors' quality of service meets all applicable Commission standards.

2. Minimum Call Time {64.604(a)(1)(v)}

(v) CAs answering and placing a ...VRS call must stay with the call for a minimum of ten minutes.

Snap endeavors in all cases to have the CA who answers the VRS call remain on the call for its duration. In all events, Snap CAs will remain with the call for a minimum of ten minutes per the Commission's rules, unless and until the Commission adopts a new standard as proposed in the *2004 TRS Report and Order*.² When in-call replacement of a CA takes place, the change will be announced to both parties beforehand.

3. Gender Preference {64.604(a)(1)(vi)}

(vi) TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.

Although VRS users may not request a specific CA, VRS users may specify a preference as to CA gender. Snap will make best efforts to accommodate such preferences at the initiation of a VRS call and, if a transfer occurs, at the time the call is transferred to another CA.

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report & Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475 ¶¶ 248-49 (2004) ("2004 TRS Report and Order").

4. Real Time {64.604(a)(1)(vii)}

(vii) TRS shall transmit conversations between TTY and voice callers in real time.

All Snap VRS calls will be conducted in real time.

B. Confidentiality and Conversation Content {64.604(a)(2)(i)}

(2) Confidentiality and conversation content. (i) Except as authorized by Section 705 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law.

Confidentiality of callers' identity and content of their calls is of paramount importance in relaying calls. Snap personnel will define and adhere to strict confidentiality guidelines. Subject to all applicable provisions of law, all Snap VRS calls will be treated with confidentiality. No written or electronic script will be retained beyond the duration of the call. Snap's CAs and supervisory personnel may not reveal information about any call (including the names of the called or calling parties) except the minimum detail necessary for the purposes of cost reimbursement, complaint resolution, or cooperation with legitimate government investigations. CAs will be required to sign a pledge of confidentiality requiring that the CA not disclose the identity of any callers or any information learned during the course of relaying calls, both during and after the CA's employment. When training new CAs by the method of sharing past experience, trainers may not reveal:

- The name, gender, or age of parties of any call.
- The originating or terminating points of any call.
- The content of the information conveyed.

To clarify how to process a particular call, CAs may discuss the call in general terms in order to clarify how to process that particular call. CAs will be trained to ask questions about procedures without revealing names or specific information that will identify the caller. The monitoring of actual Snap VRS calls by anyone other than the CA is prohibited except for training or quality assessment purposes.

Snap's Compliance Officer will develop and establish a policy to preserve confidentiality as described above. Such policy will include protocols that employees will be directed to use to prevent the unintentional disclosure of relayed conversations. The Compliance Officer will have oversight over all enforcement matters for the confidentiality policy. All allegations of a confidentiality breach will be immediately and thoroughly investigated. A CA or

other individual who, after investigation, is found to have violated the confidentiality policy will be terminated immediately and not allowed to work in a Snap VRS call center again.

C. Conversation Content {64.604(a)(2)(ii)}

(2) Confidentiality and conversation content. (ii) CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.

Snap CAs are prohibited from intentionally altering a relayed conversation and shall relay all VRS conversations verbatim unless the VRS user specifically requests summarization or interpretation. CAs shall, when necessary, to the best of their abilities, let the VRS customer know the other party's tone of voice. CAs shall keep the VRS user informed about the status of the call, such as dialing, ringing, busy, disconnected, or on hold. CAs shall stay on the line until both parties have terminated the call. If necessary to process a complaint or compliment, the call will be transferred to a customer service representative. CAs shall not counsel, advise, or interject personal opinions or additional information into any VRS call. Furthermore, the CAs shall not hold personal conversations with anyone calling the VRS, even when prompted by callers. CAs shall not accept messages for the called party when a busy or no answer condition is encountered. *But see* Section I.D.1 below regarding video/VRS mail services.

D. Types of Calls {64.604(a)(3)}

(3) Types of calls. (i) Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services. (ii) Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call. (iii) Relay service providers are permitted to decline to complete a call because credit authorization is denied.

Snap will handle any type of call normally provided by telecommunications carriers (e.g., local, long distance, and international calls), except for the types of calls noted below and those which the Commission has found, or finds, are technologically infeasible. {64.604(a)(3)(ii)} CAs will not refuse single or sequential calls or limit the length of VRS calls.

(vi) TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality.

Snap will not initially offer call release, speed dialing, or three-way calling functionalities. The Commission has waived these requirements for VRS providers until January 1, 2008.³

(vii) Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.

Although the specific TRS requirements of this rule (e.g., use of a "hot key") are not technically applicable to VRS providers, Snap CAs will alert users to the presence of recorded messages and interactive menus, and assist them in responding to such messages and menus, through sign language conventions. {64.604(a)(3)(vi)-(vii)}

1. Video/VRS Mail {64.604(a)(3)(viii)}

(viii) TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.

Snap CAs will assist hearing callers wishing to leave a video message for an unavailable hearing- or speech-impaired person by utilizing the video mail capabilities of the customer's Snap-provided equipment and service or by leaving a voice mail on a traditional answering service if available.

CAs will also assist hearing- or speech-impaired callers wishing to leave a voice mail message for an unavailable hearing person.

2. VRS waivers for types of calls

The following call carrying requirements are currently waived for VRS providers for the following types of calls:

- *Pay-Per-Calls (900 Numbers) {64.604(a)(3)(iv): Relay services shall be capable of handling pay-per-call calls. Snap will not initially offer*

³ See 2004 TRS Report and Order ¶ 111 and Appendix E.

pay-per-call calls. The FCC has waived this requirement for VRS providers until January 1, 2008.⁴

- *VCO and HCO {64.604(a)(3)(v)}*: TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO. Snap will not handle the following types of calls: one-line VCO, VCO-to-TTY, VCO-to-VCO, one-line HCO, HCO-to-TTY, and HCO-to-HCO. The FCC has waived these requirements for VRS providers until January 1, 2008.⁵ Snap will handle two-line VCO or HCO calls, when the VRS user has an available telephone line.⁶ Text-to-voice and voice-to-text calls are inapplicable requirements in the VRS context.
- *Emergency Calls {64.604(a)(4)}*: Providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner. The emergency call handling requirement has been waived by the FCC until January 1, 2007⁷ or until the adoption of a new rule.⁸ VRS providers are currently unable to direct 911 emergency calls to the nearest PSAPs due to the Internet portion of the call. Snap will place a notice on its web site and all its promotional materials that clearly explains the “shortcomings and potential dangers of using VRS to place an emergency call using 911.”⁹
- *STS Calls {64.604(a)(5)}*: Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone

⁴ 2004 TRS Report and Order ¶ 132.

⁵ *Id.* ¶ 135.

⁶ See *In re Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Americans With Disabilities Act of 1990*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379 ¶¶ 28-30, n. 123 (2003) (“*Second Improved TRS Report and Order*”).

⁷ *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, 70 Fed. Reg. 76,712 (Dec. 28, 2005) (“*E911 Waiver Extension Order*”).

⁸ *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Access to Emergency Services*, CG Docket No. 03-123, Notice of Proposed Rulemaking, FCC 05-196 (rel. Nov. 30, 2005). The NPRM has not yet appeared in the Federal Register.

⁹ *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 17 FCC Rcd 157 ¶ 14 (2003) (“*VRS Waiver Order*”).

numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider. STS requirements have been waived indefinitely for VRS providers.¹⁰

- *Spanish Language Calls: Spanish language requirements have been waived indefinitely for VRS providers.¹¹*

Snap will continue to develop and evaluate solutions to meet the TRS requirements that are presently waived for VRS providers. As required by the Commission's orders, Snap will submit annual reports each 16th of April (beginning April 16, 2007) to provide updates on the status of its progress in this area.¹²

II. Technical Standards {64.604(b)}

A. Speed of Answer {64.604(b)(2)}

(i) TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

(iii) Speed of answer requirements for VRS providers are phased-in as follows: by January 1, 2006, VRS providers must answer 80% of all calls within 180 seconds, measured on a monthly basis; by July 1, 2006, VRS providers must answer 80% of all calls within 150 seconds, measured on a monthly basis; and by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.

Snap will ensure adequate facility staffing to provide callers with efficient access under projected calling volumes. Snap will meet the speed-of-answer benchmarks set forth in the above rule.¹³ Snap will utilize state-of-the-art

¹⁰ 2004 TRS Report and Order ¶ 139.

¹¹ *Id.*

¹² *Id.* ¶ 111 ("[T]hese waivers are granted provided that VRS providers submit an annual report to the Commission, in narrative form, detailing: (1) the provider's plan or general approach to meeting the waived standards; (2) any additional costs that would be required to meet the standards; (3) the development of any new technology that may affect the particular waivers; (4) the progress made by the provider to meet the standard; (5) the specific steps taken to resolve any technical problems that prohibit the provider from meeting the standards; and (6) any other factors relevant to whether the waivers should continue in effect.").

¹³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, 20 FCC Rcd 13165 ¶ 1 (2005).

equipment to monitor VRS call traffic to ensure these requirements are met and to produce reports for Snap to assist in developing accurate projections for CA staffing at different times of the day and week.

As a CLEC, Snap will comply with the accessibility rules for TRS administrator access to data on call attempt rates and blocked calls, upon request. {64.604(b)(2)(ii)(E)}.

B. Equal Access to Interexchange Carriers {64.604(b)(3)}

(3) Equal access to interexchange carriers. TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.

This requirement has been waived for VRS providers until January 1, 2008.¹⁴ Snap will provide long-distance VRS calls at no charge to the VRS customer, as required by the Commission's orders.

C. TRS Facilities {64.604(b)(4)}

1. 24/7 Operation {64.604(b)(4)(i)}

(i) TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not be provided every day, 24 hours a day, except VRS.

Snap will operate every day, 24 hours a day.

2. Facilities {64.604(b)(4)(ii)}

(ii) TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.

Snap call centers will have redundant facilities, equivalent to the equipment in typical central offices, including uninterruptible power for emergency use. Adequate network facilities will be provided for VRS so that with the projected call volume, the probability of a busy response due to network congestion will be minimal.

D. Technology {64.604(b)(5)}

(5) Technology. No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use

¹⁴ 2004 TRS Report and Order ¶ 127.

SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR §64.1600 et seq.

Although the SS7-specific requirements of the above rule do not apply to VRS, Snap has embraced the overall philosophy of this rule by investing in innovative equipment and technologies that will further enhance the VRS offerings available to end users, thereby advancing the functional equivalency mandate under the ADA and this rule.

E. Caller ID {64.604(b)(6)}

Caller ID. When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party.

Snap plans to transmit the calling party's video phone number to the called party.

III. Functional Standards {64.604(c)}

A. Consumer Complaint Logs {64.604(c)(1)}

(i) States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. (ii) Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year.

Snap will maintain a log of consumer complaints including all VRS complaints, whether filed with Snap, the FCC, or a State. The log will include the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

Snap will submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year.

B. Contact Persons {64.604(c)(2)}

(2) Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and

complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following: (i) The name and address of the office that receives complaints, grievances, inquiries, and suggestions; (ii) Voice and TTY telephone numbers, fax number, e-mail address, and web address; and (iii) The physical address to which correspondence should be sent.

Snap will make available a toll-free customer service line for questions, comments, and complaints about the VRS service. The customer service line will operate 24 hours a day, 7 days a week and will be accessible using phone, fax, TTY, etc. Snap will provide informational materials to users as to how to file a complaint and about Snap's complaint procedures. Customer complaints will be addressed promptly, and any complaint caused by VRS personnel or by technical problems within the call centers or networks owned or leased by Snap will be corrected as expeditiously, courteously, and thoroughly as possible. Complaints that involve broadband service providers are referred to the provider directly.

Designation of a contact. Below is the Snap contact who receives VRS complaints, grievances, inquiries, and suggestions, and the individual to whom all correspondence should be sent. *See also Section III.F below.*

Daryl Crouse
 925 Wappoo Road, Suite C
 Charleston, SC 29407
 daryl@snaptelecommunications.com
<http://www.snaptelecommunications.com>
 843-763-3890 (voice)
 202-248-9648 (video phone)
 843-763-3944 (TTY)
 843-571-6325 (fax)

C. Consumer Outreach {64.604(c)(3)}

(3) Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.

Snap will provide equipment demonstrations and written instructions to potential VRS users. Snap has also initiated a community and business outreach program to educate the public about VRS. Planned outreach programs include, but are not limited to: media advertisements, meetings with user communities, distribution of informational pamphlets and wallet cards describing how to use VRS, and other similar activities. Snap will produce or supervise production of all promotional materials.

VRS users will have advisory input on the quality of service. Snap will endeavor to participate in any state process that already exists for this purpose. Service evaluations will not come only from those directly or indirectly involved in operating the call centers. In addition, Snap will conduct periodic internal or external evaluations of its service.

As a common carrier, Snap will also comply with those aspects of the above rule requiring carriers to educate the public so that callers in their area are aware of the availability of all forms of TRS.

D. Rates {64.604(c)(4)}

(4) Rates. TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

VRS is currently reimbursed entirely through the Interstate TRS Fund and therefore will be provided at no cost to Snap's VRS customers. Each month, Snap will report all of its Conversation Minutes of Use ("CMOU") to NECA. NECA will then reimburse Snap according to the VRS rate established by the FCC (with input from NECA).

E. Jurisdictional Separation of Costs {64.604(c)(5)}

(i) General. Where appropriate, costs of providing TRS shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the Commission's regulations adopted pursuant to Section 410 of the Communications Act of 1934, as amended.

Snap will comply with all Commission and NECA requirements in providing the Interstate TRS Fund administrator with true and adequate cost and VRS minutes data necessary to determine TRS Fund revenue requirements and/or reimbursement payments for VRS.

(iii)(A) Contributions. Every carrier providing interstate telecommunications services shall contribute to the TRS Fund on the basis of interstate end-user telecommunications revenues as described herein. Contributions shall be made by all carriers who provide interstate services, including, but not limited to, cellular

telephone and paging, mobile radio, operator services, personal communications service (PCS), access (including subscriber line charges), alternative access and special access, packet-switched, WATS, 800, 900, message telephone service (MTS), private line, telex, telegraph, video, satellite, intraLATA, international and resale services.

As a common carrier, Snap will contribute to the TRS Fund on the basis of its interstate end-user telecommunications services revenues pursuant to the Commission's rules.

(iii)(C) Data collection from TRS Providers. TRS providers shall provide the administrator with true and adequate data necessary to determine TRS fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with Part 32 of the Communications Act, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements. The administrator and the Commission shall have the authority to examine, verify and audit data received from TRS providers as necessary to assure the accuracy and integrity of fund payments.

As a VRS provider, Snap will provide the administrator with true and adequate data necessary to assess the need for VRS funds, including all of the data listed in the section above.

(iii)(E) Payments to TRS Providers. ...In addition to the data required under paragraph (c)(5)(iii)(C) of this section, all TRS providers, including providers who are not interexchange carriers, local exchange carriers, or certified state relay providers, must submit reports of interstate TRS minutes of use to the administrator in order to receive payments... TRS providers receiving payments shall file a form prescribed by the administrator.

Snap will calculate its monthly minutes of VRS use according to the specifications in the rules and will timely submit its monthly reports to the TRS Fund administrator.

*(iii)(F) TRS providers eligible for receiving payments from the TRS Fund are . . .
(4) Video Relay Service (VRS) and Internet Protocol (IP) Relay providers certified by the Commission pursuant to §64.605.*

Snap respectfully submits that, through the instant application, it has demonstrated its eligibility to provide reimbursable VRS services under the above rule and urges the Commission to expeditiously issue VRS certification to Snap.

(iii)(G) Any eligible TRS provider as defined in paragraph (c)(5)(iii)(F) of this section shall notify the administrator of its intent to participate in the TRS Fund

thirty (30) days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements for interstate TRS, and failure to file may exclude the TRS provider from eligibility for the year.

Upon receiving Commission certification of eligibility to provide VRS under 64.605(c)(5)(iii)(F)(4), Snap will notify NECA of its intent to participate in the TRS Fund (30) days prior to submitting reports of VRS minutes of use in order to receive payment settlement for VRS.¹⁵

F. Consumer Complaint Resolution {64.604(c)(6)}

(v)(A)(3) Service; designation of agents. The Commission shall promptly forward any complaint meeting the requirements of this subsection to the TRS provider named in the complaint. Such TRS provider shall be called upon to satisfy or answer the complaint within the time specified by the Commission. Every TRS provider shall file with the Commission a statement designating an agent or agents whose principal responsibility will be to receive all complaints, inquiries, orders, decisions, and notices and other pronouncements forwarded by the Commission. Such designation shall include a name or department designation, business address, telephone number (voice and TTY), facsimile number and, if available, internet e-mail address.

Below is the Snap agent whose principal responsibility will be to receive all formal and informal complaints, inquiries, orders, decisions, notices, and other pronouncements forwarded by the Commission. The information provided will include the following name, business address, telephone number (voice and TTY), facsimile number, and internet e-mail address.

Daryl Crouse
 925 Wappoo Road, Suite C
 Charleston, SC 29407
 daryl@snaptelecommunications.com
<http://www.snaptelecommunications.com>
 843-763-3890 (voice)
 202-248-9648 (video phone)
 843-763-3944 (TTY)
 843-571-6325 (fax)

Snap shall satisfy or answer any VRS complaint received by the Commission and forwarded to Snap within the time specified by the Commission, and in all events

¹⁵ See also *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, FCC 05-203 at ¶ 23 (rel. Dec. 12, 2005) (“*Certification Order*”) (“After a VRS or IP Relay provider obtains certification under the fourth eligibility prong, the provider need only submit a letter of intent to the fund administrator in order to become eligible to receive compensation from the Interstate TRS Fund.”).

will promptly respond to customer complaints and resolve them as expeditiously, courteously, and thoroughly as possible.

G. Treatment of Customer Information {64.604(c)(7)}

(7) Treatment of TRS customer information. Beginning on July 21, 2000, all future contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order.

Snap will collect only personal information necessary to provide VRS service and to seek/justify reimbursement from NECA for the relay service being rendered. This information will be maintained in a secure database and will not be used or disclosed for any other purpose, unless, under standard operating practices, the information is disclosed pursuant to the above rule, or is necessary to respond to a customer complaint, to justify cost reimbursement, or, as required by law, to cooperate with legitimate governmental investigations.

Snap will maintain in a secure database customer profiles for those VRS customers who have been provided a video phone and/or who receive financial support for their video phone accounts used in connection with their VRS calls. Snap will comply with the other data protection guidelines set forth in the above rule.

IV. Certification Requirements¹⁶

A. Notification of Substantive Changes {64.605(f)(2)}

(2) VRS and IP Relay providers certified under this section must notify the Commission of substantive changes in their TRS programs, services, and features within 60 days of when such changes occur, and must certify that the interstate TRS provider continues to meet federal minimum standards after implementing the substantive change.

Snap will notify the Commission of any substantive change in its provision of VRS within 60 days of when such change occurs. Snap will ensure and will certify that it continues to meet federal minimum standards after implementing the substantive change.

¹⁶ See Certification Order, Appendix.

B. Annual Compliance Report {64.605(g)}

(g) VRS and IP Relay providers certified under this section shall file with the Commission, on an annual basis, a report providing evidence that they are in compliance with § 64.604.

On an annual basis, Snap will file with the Commission a report providing evidence that it is in compliance with § 64.604.

V. Snap Compliance with Other Commission Requirements Applicable to VRS

Beyond the applicable VRS requirements set out in §§ 64.604 and 64.605, Snap will comply with all Commission orders and rulings applicable to VRS providers. For example, the Commission issued a Public Notice in 2005 clarifying that certain marketing and call-handling practices are improper and reminding providers that VRS may not be used as a video remote interpreting (“VRI”) service.¹⁷ Snap will comply with these and all other applicable VRS rulings, orders, and clarifications by the Commission, and will require its Compliance Officer and his or her staff to track future regulatory developments in the VRS area to ensure ongoing compliance, as further described in the accompanying application.

¹⁷ See Public Notice, *FCC Clarifies That Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices are Improper and Reminds That Video Relay Service (VRS) May Not Be Used as a Video Remote Interpreting Service*, 20 FCC Rcd 1471, at 4 (2005).